

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. GROSSMAN,

Plaintiff,

CIVIL ACTION NO. 08-11237

vs.

DISTRICT JUDGE PAUL D. BORMAN

MAZDA OF NORTH AMERICA, et al., **MAGISTRATE JUDGE MONA K. MAJZOUB**

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION
TO AMEND COMPLAINT (DOCKET NO. 5)**

This matter comes before the Court on Plaintiff's Motion to Amend Complaint filed on April 8, 2008. (Docket no. 5). No Defendant has responded to this motion. This motion was referred to the undersigned for decision. (Docket no. 10). The Court dispenses with oral argument on this motion. E.D. Mich. LR 7.1(e). (Docket no. 12). This motion is now ready for ruling.

Rule 15(a) provides that a party may amend its pleading once as a matter of course prior to service of a responsive pleading or within twenty days of serving its pleading if no responsive pleading is required. "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). The decision whether to permit amendment is committed to the discretion of the trial court. *Lucas v. Schneider Nat'l Carriers, Inc.*, 953 F.2d 644 (6th Cir. 1992) (unpublished).

Defendant Mazda has filed an Answer in this action. (Docket no. 2). Therefore, either consent or leave of court is required before Plaintiff may amend his Complaint. Plaintiff seeks to amend his Complaint to insert the following phrase under paragraph "III. Jurisdiction and Venue": "to 28 U.S.C.

§ 1332 as this matter involves a controversy between citizens of different states, and the matter in controversy is in excess of seventy five (sic) thousand dollars (\$75,000.00), exclusive of interests and costs.” (Docket no. 5). Plaintiff has not shown that the opposing party consented, however the Court finds that leave to amend should be granted. A copy of the Amended Complaint should have been, but was not, submitted along with this motion. E.D. Mich. LR 15.1.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Amend Complaint (docket no. 5) is **GRANTED**. Plaintiff shall file his Amended Complaint on or before May 27, 2008.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: May 12, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: May 12, 2008

s/ Lisa C. Bartlett
Courtroom Deputy